

Minutes  
Catawba County Board of Commissioners  
Special Session, Monday, November 17, 2003, 8:00 a.m.

**Closed Session**

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The Catawba County Board of Commissioners met in special session on Monday, November 17, 2003, 8:00 a.m., at the Government Center, Second Floor Meeting Room, located at 100A South West Boulevard, Newton, North Carolina. The purpose of the special meeting was for the Fall Planning Retreat to discuss proposed goals, receive information on Radio Equipment, update on FERC Relicensing, and voting equipment, and other issues that may need to be addressed.

Present were Chair Katherine W. Barnes, Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail.

Absent: N/A

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chair Barnes called the meeting to order at 8:10 a.m.

Chair Barnes welcomed everyone and said the Board had submitted proposed goals to County Manager Lundy. She said the goals could be discussed and refined. The purpose was to give direction to County staff as to what the Board would like to see accomplished within the next fiscal year.

2. Goals.

**GOAL: The County will provide strong support for the targeted recruitment of manufacturing and non-manufacturing business and industry with an emphasis on quality job creation and diversified tax base growth and to provide opportunities for the transformation of and retention of current Catawba County job providers.**

- The County will provide an environment conducive for long-term economic growth in the County through proper planning and implementation of infrastructure, development, planning, and fiscal management.
- The County will continue to be the largest supporter of the Catawba County Economic Development Corporation, whose responsibilities are to maintain a solid base of existing industry, to grow the number of jobs and widen the tax base by recruiting new manufacturing and non-manufacturing business and industry into Catawba County.
- The County will work to implement recommendations as suggested by the FORESIGHT Committee.
- The County will continue support of the Hickory Metro Higher Education Center.

It was the consensus of the Board to leave the goal as written with no changes.

**FORESIGHT Committee Chairman Philip L. Null gave an update on the FORESIGHT Committee.**

Mr. Null said the FORESIGHT Committee is nearing the end of the process that began in February 2002 with the selection of the steering committee. Task Forces were appointed and are now submitting their reports back to the steering committee. Nothing has been finalized yet and he expects the final report completed around March 2004.

He said all the issues were interrelated and he briefly reviewed each task force.

Environmental Task Force

-Land Use

-Air Quality

-Water Quality

-Storm water Regulations

Leadership and Political Action

- Leadership Cultivation - local level
- Leadership Cultivation - state hosts
- Political action through lobbying and other techniques
- Regional review, refine and approve legislation recommendations

The FORESIGHT Subcommittee recommends the establishment of a Leadership Fellows program to further cultivate educate and motivate a diverse group of potential local leaders by offering advanced opportunities for leadership training focusing on a more regional statement and national perspective. The subcommittee is putting together a series of recommendations for the eligibility for determining the selection process, financial support and training.

The Political Action Task Force recommends that the Catawba County Chamber of Commerce initiate an awards program that recognizes the corporate citizen of the year. The Chamber should assume the responsibility of coordinating an effort to identify a local resource pool of leaders, monitor existing list of North Carolina board and commission members as maintained by the Governor's appointment secretary. In order to identify and maintain a list of qualified candidates, The Chamber should promote local consensus on candidate recommendations. The Chamber should establish an unofficial subcommittee that would act in a voluntary capacity to prepare, promote, and select candidates for appointment opportunities.

The Task Force recommends the local government officials increase communication with the congressional offices to ensure the County is aware of any federal grants program. On the state level, develop awareness of upcoming grants and other funding opportunities.

The Task Force recommends that the Western Piedmont Council of Governments appoint a political action committee of six to eight members to follow North Carolina legislative activity in promoting Catawba County and/or the FORESIGHT agenda.

Educate the public and raise awareness of the importance of participating in government and holding elected officials accountable for their actions.

The Task Force asks the press to increase the awareness of the North Carolina House, Senate and U.S. Congress activities and voting records of our legislators.

Catawba County should partnership with the Charlotte region by continuing and enhancing its role in Carolinas Partnership. Catawba County should lead local governments in Catawba, Alexander, Burke, and Caldwell Counties to work together to create a brand for the area that would effectively achieve the statewide, regional, national, and international recognition.

#### Education Task Force

- Educate, engage, and involve the community for a commitment of better education for all students.
- Improve academic performance for all students and provide additional support services to at risk children.
- Recruitment and retention of highly qualified school personnel.
- Use Catawba County resources to allocate additional school funding strategy to improve the County's per pupil expenditure to the top one-quarter of North Carolina counties through additional property taxes.

#### Work Force and Jobs Task Force

He said the County lost 85 percent of the jobs it gained in the last decade, there is a 6.1 percent decrease in retail sales, and 11 percent reduction in tourism.

Mr. Null said this Task Force began its deliberations with the goal of creating a seven-year plan for sustained growth and new employment for Catawba County and they had two main objectives:

1. Create an environment that brings people to Catawba County to spend money and leave.
2. Create an environment that will encourage people to come to Catawba County and spend money, invest their money, and stay.

Mr. Null said the vision statement was for the creation for sustained economic growth and a sequential net increase in employment within our region over the next seven years while at the same time maintain the atmosphere of community and family as well as the quality of life we currently enjoy. There are two categories: Sustained economic growth and job creation.

Commissioner Beatty thanked the FORESIGHT Committee for its hard work.

Chair Barnes said the impact that the previous FORESIGHT studies have had is measurable. There is a sense of urgency because so many people are in changed situations. They may not be unemployed but underemployed. She commended all the task force groups for the depth they have taken the studies.

Chair Barnes said there is a lot of competition between four-year college institutions. She said there is online coursework through East Carolina, billboards in Asheville of the number of courses offered by Western Carolina in Asheville.

Mr. Null said at some point in time there needs to be a way to fund a feasibility study to more accurately answer questions about education.

County Manager J. Thomas Lundy if the final report is completed in March 2004 perhaps the Board could set aside some funding towards the goals. He said there would be long-term goals in the report.

The Board discussed funding implications at length. The education section will have implications on the budget.

Mr. Null will get the preliminary report to the Board as they are developed. He said the final report should be completed by March 2004.

**Jane M. Everson, Ph. D., Executive Director, Hickory Metro Higher Education Center (HMHEC) reviewed current and future plans.**

Dr. Everson said the HMHEC Board of Directors and staff held a two-day retreat in August 2003 and set six goals aligned with their mission of increasing educational attainment in the region.

1. Access the needs of the community with respect to degreeing programming needs. They are in the process of completing a needs assessment with the advisory council as well as potential students in order to determine the needs. She described the high, medium and low levels of degree programming and current and future programs. They have a marketing committee that identified five markets for the HMHEC to address: Students, businesses, colleges and universities, funders, and general community. They will be adding four members to the Board of Directors from the region outside Catawba County.
2. Secure funding for annual operating and capital needs.
3. Increase collaboration. She has made 35 presentations to civic groups.
4. Increase enrollment by the end of the third year to 1,500 students enrolled in 20 different degree programs with at least 50 percent of enrollment outside of Catawba County. They currently have 500 students with 11 degree programs offered. The average age of students is 36 and the median age is 33. They are sending marketing packaging to other colleges and universities and hope to have a web site by December 2003.
5. Technology. They plan to maintain the current level of technology and secure a budget to expand the technology.
6. Facility.

Dr. Everson said they are looking for support from the County in three areas: 1) Continued support of students and assisting to stay on top of the identification of programming needs; 2) help the HMHEC stay on top of what the employer needs are, employment trends, employer needs for non-degree credit programming; 3) support for funding, particularly long-term funding both in the operating and capital expenditures.

Commissioner Lail recommended marketing to the general public via mailers and Cable TV.

Commissioner Beatty said she had already requested that NC Department of Transportation perform a study for a left turn lane into the HMHEC.

Chair Barnes thanked Dr. Everson for all the work performed in a very short period of time.

Commissioner Barger said the General Assembly has a lot of interest in seeing what will happen with the HMHEC.

**Catawba County Economic Development Corporation President Scott Millar gave a brief overview of the Economic Development issues.**

1. Outlook:
  - a. Announcements
    1. Pending: Prestige Pillow, Collezione Europa, Morrisette, Project DP (December); D/C (December?); Poppelmann (January)
    2. Possible: Project CP5, HC Retention Project (December?);
  - b. Pressures:
    1. Continued long term competitiveness issues at State and US level, long term traditional industry transition, some uptick in expansion activity
2. Needs:
  - a. Existing Industry
    1. Support Mechanisms: Overall, to encourage more discussion and interaction with private sector business discussing not community issues, but their businesses
      - a. County sponsored breakfast meetings w/industries and groups of leaders (quarterly)
      - b. Individual meetings with high profile/high employment companies (such as Corning, Alcatel)
      - c. Focus Groups to understand existing industry needs and solve community issues (such as Catawba Furniture Association or Telecommunications Association of Catawba Valley)
    2. Globalization Assistance
      - a. Foreign Trade Zone Programs
      - b. "Sister Cities" Program with High Point or with Corning, NY?
      - c. How to Export programs
    3. Clustering Initiative
      - a. Buy Catawba Program to be developed among local purchasing managers
      - b. Guiding Future Forward Clustering Study to examine subcluster possibilities and new adaptations for old clusters
    4. Other:
      - a. Encourage Transformation Processes such as Lean Manufacturing in order to change and keep Catawba's traditional industries (example: Hickory Chair Lean Manufacturing "lab")
      - b. Jobs Issue vs. Extended Benefits and Retraining: Difficulty for some existing industries to hire even now
      - c. Building Permitting Issues
  - b. New Industry Recruitment:
    1. Non-Manufacturing: Hiring issue for person at EDC, but significant and sizable prospect activity in Call Centers and Distribution (3 active call center projects)
    2. Foresight: Most Favored Nation proposal, Venture Capital funding, Hub of the Region from Charlotte to B.R. Parkway/Asheville-Winston area, Retirement Initiative
    3. Future Forward: Brownfields assessment, Clustering analysis, Mega-site Analysis for Industrial and possibly a cluster of retail/commercial/tourism/sports complex of some type
  - c. Clustering of Agencies and Efforts
    1. Locally:
      - a. Chamber/CVB/EDC
        1. Look for ways to harness the horses in common directions to encourage efficiencies, staff, and unifying marketing efforts
      - b. Cities/County/Counties: Opportunity for individual and collective site/park development through Multi-Jurisdictional Legislation
    2. Regionally:
      - a. Greater Hickory Classic
      - b. League of Municipalities
      - c. Other Marketing Opportunities
  - d. Political:
    1. SB725 Economic Development Financing Referendum November 2004
    2. Wm. S. Lee Tiering problems

Mr. Millar said he had received a call regarding permitting and after checking it was not a problem with permitting but with coordination between stormwater issues and the City of Hickory Fire Marshal's Office.

Commissioners Lail and Barger recommended strategies to resolve the permitting issues such as a task force.

Commissioner Beatty said she had received several compliments about the Permitting Center. She recommended meeting with the municipalities.

Mr. Lundy said the Permitting Center could be a topic for the next regional meeting.

Utilities and Engineering Director Barry Edwards said he had received several calls and some of them are complimentary.

At 9:55 a.m., Chair Barnes called for a 10 minute break.

At 10:10 a.m., Chair Barnes called the meeting back to order.

**GOAL: Adopt new zoning and subdivision regulations through a Unified Development Ordinance which reflects the Small Area Plans.**

Planning Director Jacky M. Eubanks presented an overview of the process involved in the drafting of Unified Development Ordinance (UDO) and design manual. He used the analogy of building a house. (Phase I Report on file in the Office of Planning Director.)

Catawba County contracted with Freilich, Leitner & Carlisle in early September 2003 to conduct an overall assessment of the County's Zoning Ordinance, Subdivision Ordinance and related land development regulations. Mark White, Attorney and Professional Planner with Freilich, Leitner & Carlisle is serving as Project Manager, assisted by Craig Lewis with the Lawrence Group under took Step 1 which was an analysis of approximately 250 pages of land development regulations. Beyond the technical aspects of the analysis, public input was identified as a key component of the process. In order to determine the public's perception of the County's current land use regulations, a series of interviews were conducted over a two-day period in mid September. The following groups were represented during those interview sessions:

1. Planning Staff
2. Homebuilders Association
3. Local Real Estate Agents and Attorneys
4. Agricultural interest and Historic Association
5. Developers
6. Board of Commissioners and Planning Board
7. Chamber of Commerce, Economic Development Corporation and Duke Power
8. Engineers and Architects
9. Small Area Planning committee members
10. Subdivision Review Board and Area Planners
11. Habitat for Humanity and Land Lords Association

As a result of those meetings a "Summary of Comments" was prepared by Mark White listing 222 points which highlight the key issues raised by the different groups. (The Initial Meetings Report dated, October 10, 2003, is on file in the Office of Planning Director.)

Step 2 - in the analysis dealt with the process of examining each of the four adopted small area plans (SAP). A comparison was made to determine how the principles and recommendations under the seven major sections of each SAP and the objectives from other adopted plans interacted with the following:

- Vision Quest 2010 – Comprehensive Land Use Plan
- Strategic Growth Plan
- Balls Creek SAP
- Catawba SAP
- Mountain View SAP
- Sherrills Ford SAP
- St. Stephens/Oxford SAP
- 321 Corridor Plan

Once that analysis was complete it was necessary to evaluate the objective, principles and recommendations of each of the adopted plans and resolve whether compatibility existed with the County's current land use regulations. A determination was made as to:

- Zoning regulations consistent with adopted plans
- Zoning regulations inconsistent with adopted plans
- Zoning provisions inadequate
- Zoning implementation tools needed

Step 3 - involved the consolidation of information gleaned in the first two steps with UDO – Principles, practices, procedures and methodologies and formats-used across the country. That exercise produced a Reconnaissance Report, which provides a detailed road map of how to arrive at providing a well, thought out and synchronized UDO. This report also highlights potential pit falls along the way. Major areas of the report are as follows:

- Making the Code user friendly
- Development patterns
- Infrastructure
- Zoning
- Design concept
- Development standards
- Procedures
- Conclusion
- Bibliography
- Appendices
- Tables
- Figures

Step 4 - produced the skeletal outline of the UDO concepts. It represents a logical out flow of the Reconnaissance Report. Three outline options were considered:

- Option 1 – Existing Format - Utilizes the current frameworks, dividing zoning and subdivision regulations into separate chapters of the County Code.
- Option 2 – Separate Standards and Procedures - an alternate format, which conforms to general principles of technical writing for ordinances.
- Option 3 – Use Patterns – approach is innovative because it ties together ordinance standards for preferred or multi-use development types. This creates a design template for each form of development. Use patterns are established for conventional subdivisions, conservation subdivisions, commercial centers, campus, traditional neighborhood developments, commercial retrofit and transit-oriented development.

Option 3 – The UDO Steering Committee and Planning Board will ultimately decide upon the best format to recommend to the Board of Commissioners for final consideration once the UDO reaches it final draft stages.

Step 5 centered around the preparation of the “draft” General Developments – Guidelines Manual.

The document will reflect in a pictorial and graphics fashion what is written in the technical sections of the UDO. Its purpose is to convey to the average citizen and the development community what the County should “look like” in principal, representing better design concepts both in rural and more urbanized areas. These draft guidelines will be modified to reflect a more balanced and diverse rural character as the UDO preparation process evolves.

Step 6 involves the presentation of this entire “Report” to the Board of Commissioners and the UDO Steering Committee.

Step 7 answers the following questions:

- ?? What are the steps in the process to complete Phase II and Phase III of the UDO? (Mr. Eubanks reviewed the time schedule.)
- ?? How long will it take to complete the process? and Why?

1. A UDO is an entire development code. It applies to all land in the unincorporated areas of the County, all residential and economic development, and all of the small area plan territory. It will have a profound

impact on the amount, density, and timing of future growth and deserves the time needed for serious and informed discussion.

2. The UDO will become the principal vehicle for implementing the County's Small Area Plans (SAP's). There are four (4) adopted SAPs, and several more will be completed concurrent with this process. It will take time to incorporate the findings and policies of the SAPs into the UDO.
3. Key stakeholders will demand sufficient time to intelligently review and comment on the document. The draft schedule breaks the ordinance into separate drafting exercises, so that individual articles can be reviewed at different stages of the process. This minimizes the surprise and confusion that inevitably greets the initial release of an entire development code. However, stakeholders typically need several weeks to one month to review and provide comments on individual sections.
4. Related to paragraph 3, above, a commitment to spend sufficient time to incorporate public review demonstrates a good faith commitment to work with key stakeholders. If a project is compressed, it creates the impression that the product is being pushed through, and reflects the narrow agenda of a limited number of constituents.
5. While complete consensus is never possible, building a broad public constituency for the ordinance creates long term stability. Ordinances of this magnitude that are adopted quickly are often repealed quickly. This creates hardships for both planning staff and applicants, who must constantly relearn newly adopted code provisions.
6. A UDO has public as well as private stakeholders. For example, public works officials and the Department of Transportation will need to review improvement standards to ensure that they are workable and consistent with their mission. The objectives of these officials do not always correspond with current planning policies. These objectives should be reconciled so that applicants are not caught between the competing mandates of different public agencies.
7. The UDO is a legal document. It is the County's authority to approve, deny, or attach conditions to new development. It is subject to property rights, due process and First Amendment (free speech) protections of the North Carolina and federal constitutions. A properly drafted ordinance can help to avoid expensive legal challenges or monetary liability.
8. The UDO will need to be reviewed for internal consistency. Even if the document completely implements the SAP policies, potential inconsistencies must be resolved so that they do not create problems for applicants and administrators.
9. This time period is typical for UDO projects. Most UDO revisions encompass a *minimum* of eighteen (18) months to two (2) years. It is typical for a revision of this magnitude to take even longer, with many projects taking 4-5 years. However, a compressed time period tends to alienate key stakeholders.
10. By recognizing this time schedule, it will not prevent individual rezoning requests nor single issue amendments from going forth and being considered by the Planning Board and Board of Commissioners.

Based upon documents submitted by Freilich, Leitner & Carlisle and the Lawrence Group, staff recommended that the Board of Commissioners:

- 1: Accept in principle
  - a. The public input report,
  - b. Adopted Plans Analysis Report Matrix,
  - c. Reconnaissance Report
  - d. Use patterns, UDO outline,
  - e. "Draft" general development guidelines manual outline, and
2. Staff further recommended that the Board of Commissioners favorably consider:  
The draft schedule for completing the UDO and General Development Guidelines Manual (Phase II and III) beginning with submittal of the reports and covering a period of time from November 17, 2003, through December 17, 2005.

Mr. Mark White, Freilich, Leitner & Carlisle, Consultants gave the following PowerPoint presentation:



Key Regulatory Challenges

- Orderly growth
- Protect rural character
- Diverse land uses
- Pedestrian friendly development
- Nodes & centers
- Public facilities & services
- Growth boundaries
- Planned development
- TDR
- Cluster development
- Design
- Open space
- Landscaping & buffers
- Signage
- Access & connectivity
- Historic preservation
- Affordable housing

FLC Team

- Freilich, Leitner & Carlisle
  - Plan implementation
  - Development regulations
  - New Urbanism
  - Redevelopment / revitalization planning
  - Public participation
- The Lawrence Group
  - Regional design experts
  - Built local examples
  - Creative and imaginative design solutions
  - Local government experience

Mr. White reviewed the Process

Common Code Problems

- Inconsistent with the Comprehensive Plan
- Not user-friendly (aging patchwork)
- Fail to address current growth issues (infill)
- Over-emphasize land use segregation
- Lack urban design standards (scale/massing)
- Confusing procedures
- Procedures adversarial, not facilitative
- Not tailored to needs of different growth tiers

Project Understanding

- Influences
  - Sustained residential growth
  - Economy
  - Developable land available
- Plan goals
  - Orderly growth
  - Rural character / mixed use
  - Jobs

Top 10 Issues

- SAP implementation
- SAP coordination
- Timing
- Public participation
- Dealing with change
- Infrastructure

- Design
- Market issues
- Administration & staffing
- Readability

Top 9 Changes

- Growth patterns
- Zonings
- Design
- Open space
- TDR
- Infrastructure capacity review
- Administrative procedures
- Format
- Predictability

Changes

- New districts
- Consolidated districts
- Form-based zoning
- Conditional use zoning
- Permitted Uses
- Manufactured Housing
- Use Patterns
- Consolidate PD districts
- TDR
- Mitigation
- Rural v. cluster design
- Corridor standards
- Commercial design
- Open space
- Connectivity

Mr. White reviewed the Public Participation process

Existing General Zoning Districts

- R-1 residential
- R-2 residential
- R-3 residential
- O-1 office and institutional
- C-1 commercial
- C-2 commercial
- C-3 commercial
- E-1 light manufacturing
- E-2 intensive manufacturing

New General Zoning Districts

- Rural Conservation
- Residential R-80
- Residential R-40
- Residential R-30
- Residential R-20
- Residential R-14
- Residential R-12
- Residential R-M1
- Residential R-M2
- Neighborhood Commercial
- Rural Commercial
- \* Office-Institutional Node
- \* Commercial Corridor
- Community Commerce Center (CCC)

- Regional Commerce Center (RCC)
- Mixed Use 321 Corridor
- Light Industrial (I-1)
- General Industrial (I-2)
- Mixed Use/Village
- Planned Development

Mr. White reviewed the Outline

*Executive Summary*

*Article I. Generally*

*Article II. Use Patterns*

*Article III. Zoning Districts*

*Article IV. Procedures*

*Article V. Development Standards*

*Article VI. Supplemental Use Regulations*

*Article VII. Nonconforming Uses & Vested Rights*

*Article VIII. Administrative Agencies*

*Article X. Definitions*

*Article XI. Submittal Requirements*

*Index*

Article II. Use Patterns

Applicability

Conservation Neighborhood

Residential Neighborhood

Traditional Neighborhood

Neighborhood Center

Village Center

Article III. Zoning Districts

Generally

-Use Regulations

-Dimensional Regulations

-Transfer of Development Rights

General Districts

-Residential split into 7 general + 2 manufactured housing

-4 Commercial & 2 industrial

Overlay Districts

-Commercial Corridor

-Mountain Protection revisions

Special Districts

-Mixed Use & Village

-Consolidate Planned Development

Supplemental Use Regulations

Article IV. Procedures

General Procedural Requirements

-Completeness Review

-Public Hearings Procedures

-Citizen Participation Plan

-Administrative Permits

-Zoning Procedures

-Subdivision Procedures

-Enforcement Procedures

Article V. Development Standards

-Site design

-Access Management

- Street Standards (connectivity)
- Infrastructure Capacity (Transportation, Schools)
- Landscaping & Tree protection
- Parking
- Parks & Open Space
- Signs
- Stormwater Management

#### UDO & Public Facilities

- Nonconforming Uses & Vested Rights
- Administrative Agencies
- Definitions
- Submittal Requirements
- Index

Rural Design – the “New Ruralism”

Urban Design - the "New Urbanism"

Mr. White reviewed Interconnectivity and Design Standard

#### Park and Open Space Issues-

- Urban form
- Location
- Category/purpose
- Size
- Access
- Maintenance

#### Transfer Development Rights

Sending areas (Development Potential = Permitted Density)

- Critical areas
- Agricultural preservation
- Transportation corridors
- Receiving areas (Density/Intensity Bonus)
- Nodes
- Centers

Format is Important

#### General Drafting Principles

- Consistency
- Establish public participation process
- Make Smart Growth easy with strong procedural incentives
- Address impacts of sprawl
- Establish some mandates
- Establish strong findings
- Be visual but also legal
- Speak code user's language

Commissioner Beatty said she was disappointed in the number of persons interviewed for this process and the citizens that worked with the Small Area Plans need to be heard. She said there are a lot of large land owners out in the county and they are concerned about what might happen to their land. She said Concord, North Carolina, had done a great job with older buildings. She recommended that some of the meetings be held at times that more people can attend. She said the County also needs more than affordable housing, more than two bedroom homes.

Chair Barnes said we need to look at municipal plans and make sure our code is not for the entirety of the county but is compatible with the municipalities.

Commissioner Hunsucker asked about development rights. Mr. Wright said normally the developer takes care of the development rights. Also, there could be an office or an agency set up for anyone to obtain development rights.

Commissioner Barger said this is an interesting process and there needs to be input from as many different people that will live and invest in Catawba County.

Commissioner Beatty recommended that Mr. Eubanks bring issues to the Board that need to be addressed.

**It was the consensus of the Board to accept in principal and adopt the proposed timeline.**

County Attorney Eades had a concern about implementation and moving forward with Small Area Plans (SAP) that have not yet been completed. He said there needs to be a way of communicating what is being contemplated. Tools will be provided that others did not have. He sees a problem in making this plan reflect what the completed SAPs have done.

Mr. Eubanks said information will be disseminated by the steering committee, by the representation on each of the SAPs and staff will share information with the SAPs. Mr. Eubanks said they would make the SAPs aware of policies and recommendations that are being proposed.

Commissioner Beatty recommended going back to the completed SAPs and sharing the information.

Commissioner Barger asked what the market demanded in Catawba County.

Commissioner Lail said the village concept is the wave of the future.

**GOAL: In order to improve economic development, service delivery, quality of life, and successfully lobby to achieve needed legislation, continue to develop and foster strong intergovernmental relationships with**

- i. municipal and school elected officials**
- ii. state and federal elected officials**
- iii. regional elected officials**
- iv. business community**

Commissioner Barger said he would like to see a year-end summary of the items State Lobbyist Don Beason has accomplished or was able to defer.

Commissioner Lail recommended having forums with the business community after the FORESIGHT is received in final form.

Mr. Lundy said staff could arrange a series of sessions involving the Board of Commissioners, business community, and other people who have the responsibility to carry out the FORESIGHT Report. However, this will happen in the current fiscal year.

**PROPOSED GOAL:** Develop rewards and recognition system to honor departments and individuals who demonstrate exemplary customer service.

**AMENDED GOAL:** Develop a theme to be used all year in public information which focuses on customer service. Develop rewards and recognition system to honor departments and individuals who demonstrate exemplary customer service.

Commissioner Beatty requested an update on HazMat.

Chair Barnes said staff could update the Board on the Emergency Services Plan at a future board meeting.

**Commissioner Hunsucker made a motion to approve the aforementioned four goals for Fiscal year 2004-2005 including amended Goal No. 4. The motion carried unanimously.**

3. **County Manager Lundy called for a Closed Session pursuant to NCGS 143-318.11 (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body. He said he did not expect any action from the closed session.**

At 11:58 a.m., Commissioner Hunsucker made a motion to recess into Closed Session pursuant to NCGS 143-318.11 (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body. The motion carried unanimously.

At 12:20 p.m., Commissioner Beatty made a motion to return to open session. The motion carried unanimously.

4. Radio Equipment Presentation.

The Board was invited to have lunch while Assistant County Manager Mick Berry gave the following PowerPoint presentation:

Radio Equipment Presentation  
The Catawba County Radio System

Status of Radio System in Catawba County - Issues

-FCC Refarming of VHF Frequencies

-currently unable to acquire channels that are not at 12.5khz spacing

-Aging Radio Equipment:

-Handheld / Mobiles

-65% handheld, 75% mobile equipment > 8 years old

-45% handheld, 53% mobile equipment > 5 years old

-45% handheld, 62% mobile not capable of utilizing 12.5khz channel spacing

-Base Stations

-40% of equipment was implemented during the early 1980s. No spare parts are readily available.

-70% of equipment is no longer supported by Motorola. Signal degradation is apparent in the aging equipment.

-Current base stations will need to be modified to utilize the 12.5khz channel spacing.

-Radio Traffic and Coverage

-33% increase in Sheriff Patrol use

-104% increase in EMS use

-Hickory, Newton, and many Volunteer Fire and Rescue agencies added tactical channels to alleviate some of the problem.

-Added channels can not talk back to the 911 Communications Center can't be used in multi-agency incidents.

-Public safety staffing and radio usage has grown, channels and equipment have not grown proportionately.

-Repeater sites in 1980s and early 1990s to allow for portable on street coverage.

-Coverage still at best 75%.

-Limited coverage in-buildings; i.e. schools or businesses.

Progress to Date

800 MHz licenses granted (2001)

Radio System Study Released (February 2003)

-Martin Associates- Study of radio system needs

-Improve existing VHF radio system (Voter and Simulcast)

-Partner with State Highway Patrol to gradually transition to 800MHz for the Sheriff's Office and Emergency Medical Services.

-BOC Approves \$850,000 in 03-04 budget to begin upgrade

-\$52,493.44 spent to repair cables, fix antennas, repair generators

-\$17,645.00 spent on coverage study and aligning 800MHz & VHF licenses to appropriate sites

-800 MHz contract executed with SHP (July 2003)

-Share SHP's controller (savings of \$400,000)

-800 MHz broadcasting from Anderson Mountain (estimated cost \$170,000)

-800 MHz license maintained

-RF Study subcommittee created (March 2003)

-Representatives from Law Enforcement, Police, Fire, Rescue, EMS, Communications, Hickory PD

- Engineering Coverage Study conducted (August 2003)
  - VHF, 800MHz and Mobile Data coverage information requested
  - Criteria- 95% in building coverage county wide for all channels
  - Review tower possibilities from surrounding County's
  - Budget and transition plan being developed

Next steps

- Expand existing infrastructure
  - System automatically selects "best" tower to use, towers also "listen" for radio signals and boost as needed. (Voter)
  - System will broadcast signal to all sites to ensure coverage. This will increase efficiency. (Simulcast)
  - 4 additional receiver(talk-in) sites- 2 using existing water towers, 1 using existing tower and tower addition (share sites with Hickory) (Total of 7 sites)
  - Tower sites also can be used for 800 MHz
  - Cost: \$2.9 million over 3 years
    - \$600,000 03-04 (current funding)
    - \$1,200,000 04-05
    - \$1,100,000 05-06
- Move cautiously forward with 800MHz
  - File 5 year slow growth plan with FCC
  - Build VHF tower sites to accommodate 800 MHz
  - 800 MHz Coverage Map (Map Y3) 7-site
  - Progress slowly toward new digital equipment. Life cycle of related equipment from handheld and mobile to base stations change from 20 years to 5 years. Increase cost of maintenance and replacement
  - Seek other sources of funding through Law Enforcement or Federal Grants

Conclusion

- Plan expansion
  - Begin build out of sites that will give the most coverage for the most users
  - Negotiate agreements for the various sites
  - Ensure sites are 800 MHz equipment capable
  - Remain informed on SHP buildout and opportunities that will benefit Catawba County
- Funding
  - Explore opportunities for grant funding to expand County wide system

5. Voting Equipment presentation.

Board of Elections Director Larry Brewer and Board of Elections Secretary David W. Hood gave a PowerPoint presentation on if and when to purchase new voting equipment. Robert. L. Johnson, Board of Elections Chair was also present.

Voting Equipment

*What is our current situation?*

- Catawba County currently uses an Optical Scan system to "read" election ballots (OPTECH III-P Eagle). The system was purchased in March 1994.
- The company we purchased the equipment from originally (Business Records Corporation) was bought by Election Systems & Software (ES&S) a few years back.
- The maintenance agreement on equipment was dropped in December 2002 because plans were to replace it in late 2003.
- During the November 2003 election the County did experience equipment failure and had to use backup equipment.

*Why replace?*

- Age of our existing equipment.
- No way to maintain the equipment.
- Problems receiving ballots in time to vote required by law.
- The weight and bulkiness of our current equipment.
- Equipment must be 100% ADA compliant.
- New law requires one DRE at each precinct and we should not operate two systems.

*What are our replacement alternatives?*

Optical Scan Systems

- Same equipment used for mail voted ballots and precinct voted ballots.
- One piece of equipment per precinct.
- Paper ballot available for recount.
- Can complete ballot at table or booth.
- Cost of printing ballots continue to increase.
- We cannot receive paper ballots in time to start the voting on the date required by law.
- Optical scan is obsolete and future support is limited.
- The State is not certifying additional optical scan systems except for absentee voting.

*What are our replacement alternatives?*

Direct Record Electronic Equipment (DRE)

- Accurate.
- ADA compliant.
- No hand counts.
- Multiple language's available on same piece of equipment.
- Ballot image storage available.
- Vote summary provided before confirming vote.
- New law requires one DRE at each precinct.
- No paper ballot available for recount.
- Must vote at booth (no table voting allowed).
- Public concern about using DRE technology for voting.

*What are other North Carolina Counties doing?*

- The State recommends the purchase of Direct Record Electronic Equipment (DRE).
- The current trend in the State is toward DRE (half of the State uses).

*-Neighboring Counties currently using DRE - Burke, McDowell, Gaston, and Mecklenburg.*

*-Neighboring Counties currently evaluating DRE - Lincoln, Caldwell, Alexander, and Iredell.*

*What has the County evaluated?*

- The County reviewed equipment from Six vendors
- The County tested equipment from four vendors
  - Hart InterCivic
  - MicroVote
  - Diebold
  - Winvote
- The Board of Election narrowed these four to two systems
  - Hart InterCivic
  - MicroVote

*Note: The Board of Elections did not test or review any optical scan systems.*

What is the current budget?

- There is currently \$1.1 million in the budget. The County has set aside money for the past 5 years:

1999/2000	\$100,000
2000/2001	\$200,000
2001/2002	\$200,000
2002/2003	\$300,000
2003/2004	\$300,000

*\$120,000 may be available to offset costs.*

Mr. Brewer reviewed a chart of Hart InterCivic Cost

MicroVote Cost

- 1st year \$1.1 million
- 2nd year \$139,000
- 3rd year \$139,000
- Each year after \$5,500 (software)
- Ten Year Cost \$1,416,500



*Board of Elections Recommendation*

The Board of Elections recommended the purchase DRE equipment from Hart InterCivic.

*Why is the Board of Elections recommending Hart InterCivic?*

- Hart InterCivic has been in business since 1912, and supports 2,500 elections each year.
  - In 2002, Hart InterCivic sold more than 9,500 eSlate electronic voting units and has sold more than 10,000 units in 2003.
  - The eSlate and JBC hardware has been manufactured to meet Military Specifications 810 E and F and has been successfully tested in Highly Accelerated Life Tests (HALT) and Highly Accelerated Stress Screenings (HASS). These rigorous manufacturing and testing standards provide a product life span to exceed 20 years.
  - Hart InterCivic's development and manufacturing processes follow the strict standards of the International Organization of Standardization and maintain an ISO 9001 registration.
- Why is the Board of Elections recommending Hart InterCivic?*
- Hart's digital absentee system (Ballot Now) is unmatched in the election industry. Providing superior accuracy, cost savings, system security and full integration with the eSlate precinct system.
  - The eSlate System was rated highest in the ranking of DRE devices for 'ease of access' by persons with disabilities in the November 2002 issue of *AccessWorld* Magazine. This evaluation was based on a comprehensive review of leading electronic voting systems by an independent research center on disability technology.
  - All eSlate System implementations are conducted under the direction of highly skilled Project Managers who have elections experience, project management expertise and substantial experience installing the eSlate System.
  - Hart InterCivic has trained more than 4,000 poll workers and election judges in the successful use of the eSlate System.
  - Hart is a leader in voter education and outreach. As evidenced by the company's national award from *PRWeek Magazine* for the Community Relations Campaign for 2002, HarrisVotes! HarrisVotes! is the eSlate voter education and outreach program conducted in Harris County, Texas.
  - Hart is providing the election software expertise for the Federal Voting Assistance Program that will be piloted nationally in 2004. This project will be used in four counties in North Carolina.
  - Catawba County conducted a successful test of equipment during the 2003 election.

*What are the options?*

- A. Postpone decision
- B. Use existing equipment
- C. Purchase Optical Scan system
- D. Purchase Direct Record Electronic Equipment (DRE) and implement 2004
- E. Purchase Direct Record Electronic Equipment (DRE) and implement 2005

*Board of Elections Recommendation*

-The Board of Elections recommended the purchase DRE equipment from Hart InterCivic. The County would enter into a 10 year contract for approximately \$1,400,256 and adhere to the payment plan agreed to by both parties. The County would implement in the 2004 Presidential Primary.

Ms. Fran Syptak, League of Women Voters, spoke in opposition of new voting equipment at this time.

**After a lengthy discussion, Commissioner Beatty made a motion to move forward with the Hart System, Direct Record Electronic Equipment, based on the fact that the Board would need to look at a contract and the fact that the system can be implemented. The motion carried unanimously.**

6. Update on FERC Relicensing

County Planner Mary George gave a PowerPoint presentation on FERC Relicensing.

Update on FERC Relicensing

Catawba-Wateree System:

- 13 hydro stations and 11 reservoirs
- Federal Energy Regulatory Commission (FERC) requires license for all non-federal hydroelectric projects
- Duke Power's current license from FERC issued in 1958 is set to expire in 2008

Relicensing Process

- Duke established four Regional Advisory Groups and two State Relicensing Teams
- Barbara Beatty, with Jacky Eubanks as alternate, on NC Metro Group
- Mary George on NC Foothills Group

#### Study Requests

- Duke requested original study request lists in May 2003
- Catawba County submitted specific study requests to Duke
- Duke reviewed the 550 study requests received
- Duke developed list of 30 studies to be conducted
- Comments on study scope and methodology to be received by Nov. 21, 2003

#### Status of Specific Study Requests

#### Land Use Issues

Requested: Inventory of existing land use plans and natural heritage inventories

Duke's response: Included in RTE Habitat Study

#### Follow-up response:

- Study doesn't include land use plan inventory
- Necessary for shoreline build-out scenario model

Requested: Identification of corporate ownership of land

Duke's response: Included in SMP study

#### Follow-up response:

- SMP study will look at all land ownership which could serve an identified need for public access
- Addresses our request

Requested: Evaluate effectiveness of Duke Power's Shoreline Management Plan (SMP) and tie to locally-adopted land use plans

Duke's response: not related to project operations

#### Follow-up response:

- Need to see if implementation of SMP is effective in balancing impacts on environment
- SMP classifications directly impact upland uses
- Desirable to have compatible documents

Requested: Develop a build-out scenario model based on the Shoreline Management Plan and identify impacts to lakes

Duke's response: Included in the Recreation Use and Needs study (RUNS)

#### Follow-up response:

- RUNS addresses impacts only on recreation
- Requested that study address cumulative impacts on water quality and loss of habitat/open space

#### Recreation Issues

Requested: Develop a Recreational Needs Assessment Study

Duke's response: Included in Recreational Use and Needs Study

#### Follow-up response:

- Study will be conducted on recreation needs
- Survey for identified needs include non-boaters
- Need for shore-based recreation activities

Requested: Evaluate flow regime for recreation needs. Warning system at Oxford.

Duke's response: Included in Recreation Flow study

Follow-up response: Addresses our request

Requested: Evaluate Duke's Access Area Initiative program

Duke's response: Included in the Recreation Use and Needs study

Follow-up response:

- Access Area Initiative needs to be expanded to beyond public access;
- Include shore-based activities such as camping, fishing, and picnic opportunities

Requested: Maintain and enhance the aquatic nuisance weed program.

Duke's response: Current program

Follow-up response:

- Reiterate that we want to see this program continue as part the license conditions

Water Quality/Quantity Issues

Requested: Study non-point source runoff impacts based on SMP model

Duke's response: beyond scope of responsibilities

Follow-up response:

- Build-out scenarios in SMP expand to water quality impacts
- Address effectiveness of SMP program for sedimentation and erosion control

Requested: Study impacts of runoff from lake-based recreation sites (access areas, marinas, etc.)

Duke's response: no evidence that a problem exists

Follow-up response:

- Include in evaluation of SMP program
- Evaluate and monitor water quality at public access sites
- Based on results, install mitigation strategies

Requested: Study cost and effectiveness of bathroom facilities at access areas.

Duke's Response: Included in the Recreation Use and Needs study

Follow-up response:

- Ensure that this is included in the survey questions

Requested: Conduct water quality studies at the tailwater areas, such as Oxford.

Duke's response: Included in the Water Quality of Riverine Reaches study

Follow-up response: Addresses our request

Requested: Develop a balance-flow study which addresses multi-users needs.

Duke's response: Included in the Water Supply study

Follow-up response: Addresses our request

Where do we go from here?

- Advisory Group work:

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- Receive reports from State and Federal agencies
- Review study plan data and reports as they progress
- Expand and develop mutual interests for terms/conditions of license
- Cooperative spirit with Duke Power as part of the alternative license process

The Board thanked Ms. George for all the work she had done with FERC Relicensing.

7. Adjournment.

At 2:42 p.m., there being no further business to come before the Board, Commissioner Beatty made a motion to adjourn. The motion carried unanimously.

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Katherine W. Barnes  
Chair, Board of Commissioners

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Thelda B. Rhoney  
County Clerk